IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Crl.MC.No. 3497 of 2007()

Cr.NO.106/07 OF PONNANI POLICE STATION

PETITIONER: ACCUSED

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1. DR.ASHIQ AMAN, S/O.MOHD ASHRAF, PANDIKASALA HOUSE, P.O.PONNANI NAGARAM, MALAPPURAM.

2. MOHD ASHRAF, PANDIKASALA HOUSE, P.O.PONNANI NAGARAM, MALAPPURAM.

3. AMINA, W/O.MOHD ASHRAF, PANDIKASALA HOUSE, P.O.PONNANI NAGARAM, MALAPPURAM.

BY ADV. SRI.C.V.MANUVILSAN
SRI.P.K.KHALEEMUDHEEN
SRI.P.C.ANIL KUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE S.I OF POLICE, PONNANI POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. DR.RASEENA, W/O.DR.ASHIQ AMAN, PUTHEN VEETIL HOUSE, EDAVILANGU, KODUNGALLOOR, TRICHUR DISTRICT. PRESENTLY RESIDING AT PANDIKASALA HOUSE, P.O.PONNANI NAGARAM, MALAPPURAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ
ADV. SRI.DARSAN SOMANATH FOR R2
SRI.A.M.MAJIDA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3497 of 2007

Dated this the 22nd day of November 2007

O R D E R

Against the petitioners, crime No.106/07 of Ponnani police station has been registered under Section 498A read with 34 I.P.C. The second respondent herein is the informant/ de facto complainant. Investigation is in progress. The petitioners are the husband of the de facto complainant and her parents-in-law. Matrimonial cruelty of the culpable variety is alleged against the petitioners.

2. The petitioners as well as the second respondent have come before this court through their counsel to submit that the parties have settled their disputes and the second respondent has willingly and voluntarily settled the disputes and compounded the offences allegedly committed by the petitioners. Annexure A2 application has been filed before the investigating officer also by the second respondent.

3. The parties have now resumed harmonious co-habitation, it is submitted. The learned Public Prosecutor also accepts that the matter has been settled.

4. I am satisfied, in the facts and circumstances of this case that this is an eminently fit case where powers under Section 482 Cr.P.C as enabled by the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] can and ought to be invoked to bring to premature termination the proceedings against the petitioners.

5. This petition is accordingly allowed. Crime No.106/2007 of Ponnani police station and all proceedings on the basis of such crime shall stand quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007